

Minutes of the State Board of Health January 12, 2005

The Washington State Board of Health (SBOH) met at the Comfort Inn in Tumwater, Washington. Chair Tom Locke called the public meeting to order at 8:43 a.m. and addressed the attendees with the following statement:

“This is a public meeting of the State Board of Health held under provisions of RCW 43.20. Notice of the meeting was provided in accordance with provisions of RCW 34.05, the Administrative Procedures Act. Those members having any conflict of interest on any item coming before the Board will report that conflict with respect to the particular subject under consideration. In case of challenge of any Board members by the public, the Board shall decide the status of the challenged members to participate before considering the substance of the matter.

Copies of all materials supplied to the Board for today’s meeting have been available since close of business last Friday from the Board’s Olympia office and on the Board’s Web site at www.sboh.wa.gov. They are also available today, along with anything else we have received since, at the table in the back of the room. To conserve public funds, we have only made as many copies as we feel will be needed, so we may run out of some particularly popular items. If you do not find a document you need, please ask Executive Assistant Desiree Robinson or another Board staff person for one.

Our meeting today is open to the public, so please feel free to listen in on informal discussions involving Board members or staff, including any that may occur during breaks or lunch.”

SBOH members present:

Thomas H. Locke, MD, MPH, Chair
Charles Chu, DPM
Ed Gray, MD
Carl Osaki, RS, MSPH, Vice Chair
Mary Selecky

Mel Tonasket
Keith Higman
Frankie Manning, MN, RN
Bill White (for Mary Selecky)

SBOH members absent:

The Honorable David Crump, PhD

State Board of Health Staff present:

Craig McLaughlin, Executive Director
Tara Wolff, Health Policy Advisor
Candi Wines, Health Policy Advisor

Desiree Robinson, Executive Assistant
Bobbi Berry, Assistant to the Board
Lonnie Peterson, Public Information Officer

Guests and Other Participants:

Claudia Catastini, Department of Health
Victor Colman, Department of Health
Michelle Davis, Department of Health
Kim Overstreet, Wyeth Vaccines
Irena Pilchowski, Washington Health and Fitness Association

John Peppert, Department of Health
Jeff Schouten, Governor’s Advisory Council
on HIV/AIDS
Chris Townley, Department of Health
John Valliant, Department of Health

APPROVAL OF AGENDA

Motion: Approve January 12, 2005 agenda

Motion /Second: Osaki/ Manning

Approved unanimously

ADOPTION OF DECEMBER 15, 2004 MEETING MINUTES

Motion: Approve the December 14 and 15, 2004 minutes

Motion/Second: Tonasket/ Manning

Approved unanimously

SBOH ANNOUNCEMENTS AND OTHER BUSINESS

Craig McLaughlin, SBOH Executive Director introduced Lonnie Peterson as the new Public Information Officer and mentioned that this was her first day of work with the Board. He briefly described Ms. Peterson's background. Mr. McLaughlin also updated the Board on the Health Services Consultant recruitment. He indicated that the bulletin would close by the end of January and that he was putting together a panel of interviewers. Mr. McLaughlin stressed the importance of Department of Health involvement in the selection process. Mary Selecky, Secretary of Health and SBOH Member explained that the recruitment process must follow new Department of Personnel regulations.

Mr. McLaughlin called the Board member's attention to the 2004 Annual Report in their folders. He noted that the report was ready in time for the Legislative session. Mr. McLaughlin then directed Board members' attention to the notes and SWOT analysis from the SBOH retreat in December 2004 (Tab 3). Mr. McLaughlin reported that he had signed a CR-101 to consider adding varicella to the list of vaccine preventable diseases children must be immunized against before attending a school or child care center. He noted that rule adoption could occur before September 2005. Secretary Selecky noted that there might be legislation this session to tighten up the exemption clause. Mr. McLaughlin reminded the Board that there is currently a CR-101 open to set up an advisory committee on immunization policy and that the exemption issues could be taken up by them. He also mentioned that there will be a legislative hearing on immunization on January 20 and that the Board had been asked to testify.

Mr. McLaughlin discussed the work the Board is doing concerning implementation of the water recreation rule. He said that health clubs have expressed concerns that the club representative on the rule development committee may not have communicated adequately to club owners. In addition, Mr. McLaughlin indicated that there might still be confusion about training requirements of pool attendants. Some clubs have indicated they will not be able to afford to meet the requirements for pool attendants. He suggested the Environmental Health Committee could discuss these issues further. Carl Osaki, SBOH Member asked whether the clubs' concerns had to do with technical or administrative issues. Mr. McLaughlin explained that an administrative compromise was under discussion and that the clubs can use an appeal process to ask for reconsideration of the rule. Frankie T. Manning, SBOH Member, asked about the timeframe for appeals. Mel Tonasket, SBOH Member, asked about the sort of clubs and Mr. McLaughlin replied that generally speaking, these were health and fitness clubs with pools under 4 feet deep and under a certain size. He also explained that the age of the child was a better predictor of drowning than the size of the pool. Member Osaki summed up the discussion, explaining that his concern was due process.

Mr. McLaughlin then called Board members' attention to press coverage on Hood Canal and to the Governor's press release on persistent bio-accumulative toxins. Mr. McLaughlin reminded Board

members that the April meeting was tentative but they should keep the date available and that there would be no meeting in February. Finally, Mr. McLaughlin thanked Board members for signing up for committees and being so responsive to his e-mail.

Chair Locke suggested that the Board members turn their attention to agenda item 5, as Secretary Selecky was out of the room and the next agenda item required her presence.

BOARD MEMBER COMMENTS AND CONCERNS

Board members initially expressed no comments or concerns. Secretary Selecky returned to the room and Chair Locke asked if she wished to say anything as part of this agenda item. She mentioned a meeting between Chair Locke, Craig McLaughlin, Bill White, Chris Townley, Michelle Davis, and herself to discuss ways to improve now that the Board had a new chair and executive director. She felt that the meeting went well and was productive. Chair Locke concurred.

DEPARTMENT OF HEALTH UPDATE

Secretary Selecky discussed the gubernatorial transition. She reminded Board members that Christine Gregoire would be taking office today. Secretary Selecky spoke of Governor Locke's farewell speech and indicated that she would need to be involved in the ceremonies in the afternoon. She briefly updated the Board on some of the new Governor's appointments and explained that a national search was being conducted to fill three cabinet positions—Social and Health Services, Labor and Industries, and Community Trade and Economic Development. The Governor had asked other cabinet members to continue serving for the time being and weekly cabinet meetings will continue. Chair Locke asked Secretary Selecky to clarify the budget process, such as whether the new Governor would issue a new budget. (This question was re-visited during agenda item 6). Secretary Selecky directed the Board's attention to a *USA Today* article on the flu vaccine shortage. In December, the ACIP recommended that additional priority groups be considered in areas of sufficient supply. She explained that DOH would be sending out a press release to encourage members of the public in priority groups to get the flu vaccine. Chair Locke indicated that local health jurisdictions had responded well to this challenge and there were many lessons to be learned.

2005 BUDGET AND LEGISLATIVE SESSION REPORT

Mr. McLaughlin introduced Chris Townley, Acting Director of Policy, Legislation, and Constituent Relations, Department of Health and directed the Board's attention to Tab 6. Secretary Selecky explained that Governor Locke had submitted two budgets—one based on no new revenue sources, and another based on new revenue sources. Mr. McLaughlin discussed the highlights of his memos behind Tab 6. He also called the Board's attention to the work session on immunization policy (scheduled for January 20). He then mentioned the House Select Committee on Hood Canal and indicated that he and Janice Adair would be making a presentation on the rule review process. Keith Higman, SBOH Member asked about timing on issues surrounding operations and maintenance of onsite systems given all the various pieces of work in progress. He wondered how this would all come together for rule adoption. Mr. McLaughlin indicated that this would take careful coordination and Members Higman and Osaki would need to be involved. Member Manning asked Mr. McLaughlin about legislation concerning mental health services for geriatric patients in long-term care and their families. He indicated that he would keep her informed of any such legislation. Ms. Townley briefly reviewed DOH request legislation concerning hepatitis C and specialty fee clinics (see Tab 6).

PROPOSED REVISIONS TO POLICY 01-001 REGARDING LEGISLATIVE RELATIONS

Mr. McLaughlin called the Board's attention to the contents of Tab 7. He reviewed proposed revisions in the section on "Responsibility for Communicating with the Legislature" in policy 2001-001. Member Osaki asked what would happen if a Board member were directly approached by a member of the Legislature. Chair Locke explained that the Board wants to provide the most coordinated response possible, so when there is time he would like such requests run through the executive director and himself. He indicated that if there was not sufficient time, then the Board member should explain that his or her response did not represent the entire Board. Mr. McLaughlin reminded Board members that he would need to know about this type of contact for his public disclosure (PDC) report.

Motion: The Board adopted Policy 01-001 approved on January 1, 2001, revised on January 12, 2005.

Motion/Second: Osaki/Chu

Member Tonasket asked for clarification on signature/approval authority on page 3 of the policy, which said that the chair must approve all correspondence. Several Board members said they felt all correspondence should be signed by the chair. Mr. McLaughlin then suggested a language change to that effect. The Board then agreed that if this change were made, the last sentence of the third paragraph from the bottom of page 3 would be both confusing and unnecessary. Mr. McLaughlin noted that there was also still one reference in the last paragraph to the Senior Health Policy Manager, an eliminated position. He proposed changing that reference to "executive director." He then read language changes that would clarify that only the chair or his/her designee may sign correspondence from the Board, remove the sentence on page 3, and correct the reference to the Senior Health Policy Manager. (See meeting notes for proposed language.)

Motion: The Board approved the amendment of Policy 01-001 as read into the record.

Motion/Second: Osaki/Tonasket

Approved unanimously

The chair then called for a vote on the original motion to adopt the revised policy.

Approved unanimously

BOARD STATEMENT ON LIKELY LEGISLATIVE ISSUES

Mr. McLaughlin directed the Board to the two items behind Tab 8. He explained that he had based the final proposed draft of the Statement of Board Policy on Possible 2005 Legislative Issues on last year's statement, and that he made three changes to the statement based on comments from the last Board meeting. The changes were in three areas: school meals program, asthma, and physical activity and nutrition. Member Osaki wondered if school environmental health and water quality needed to be added to the statement. Secretary Selecky suggested that Janice Adair work with Mr. McLaughlin on adding statements about this issue to the policy document. Member Manning asked about licensing for freestanding clinics and educating the public on the appropriate professional health care they could expect to receive from providers. Secretary Selecky explained that this did not fall within the Board's purview. Secretary Selecky asked about adding environmental health to school health. Member Osaki wondered if there should be an inclusion on urgent emerging issues. Mr. McLaughlin directed the Board's attention to policy 2001-001 page 3 "Responsibility for Communicating with the Legislature" and suggested that this was probably already covered there.

Motion: The Board adopts the “Statement of Board Policy on Possible 2005 Legislative Issues” as submitted on January 12, 2005 with possible additions of school environmental health and water quality.

Motion/Second: Osaki/Manning

Approved unanimously

The Board took a break and reconvened at 11:25 a.m. Bill White, Deputy Secretary of Health, sat in for Secretary Selecky for agenda items 9 and 10.

PUBLIC HEALTH IMPROVEMENT PARTNERSHIP UPDATE

Chair Locke reconvened the meeting. Mr. McLaughlin introduced the speakers and directed the Board members to the materials behind Tab 9. Joan Brewster, Department of Health delivered a presentation on the 2004 Public Health Improvement Partnership (PHIP) plan and the next steps for the program. (See presentation.) Torney Smith, Spokane Regional Health District talked about public health standards in the context of the PHIP’s work. Copies of his presentation will be provided to the Board. (See presentation.)

Member Osaki asked if the nearly \$600 million spent per year on public health was only at the local level or if it was statewide. The spending is statewide and includes federal dollars. Member Osaki asked if the cost of developing competencies was included in the projected costs. Ms. Brewster replied that these are not directly included at this point, but the program is moving toward identifying competencies and incorporating them into the plan for training and workforce development. Member Osaki said he is very pleased to see the development and maturity of the PHIP and asked how the Board can continue to be involved and support the work. Ms. Brewster said ongoing participation by the Board’s Executive Director and Board members is welcome.

Member Tonasket asked about inclusion of the tribes and the Indian Health Service. He encouraged the inclusion of these entities. Mr. Smith replied that he agreed and acknowledged that the effort has not yet been made to include tribes in the partnership. Ms. Brewster commented that she saw several opportunities for including tribes and groups that represent tribal interests.

Member Manning asked about the interface of the IT component with other health agencies and how systems are set up for communications during emergency response. Ms. Brewster summarized plans to begin to interface with other agencies and sectors such as laboratories. Mr. Smith noted several challenges in interagency communications.

Chair Locke thanked the presenters and noted that public health system’s viability is critically important especially in the face of many challenges.

The Board recessed for lunch at 12:20 p.m. and reconvened at 1:31 p.m.

HIV/AIDS POLICY DISCUSSION, CHAPTER 70.24 RCW AND CHAPTERS 246-100 AND 246-101 WAC

Chair Locke reconvened the meeting. He asked Candi Wines, SBOH Policy Analyst to introduce the speakers, and directed the Board members to the materials behind Tab 10. Jack Jourden, John Peppert, and Claudia Catastini, Department of Health, presented an overview of the ongoing HIV/AIDS rule revision and policy discussions. (See presentation behind Tab 10.)

Member Tonasket also asked about language de-linking counseling and testing and wondered what the clients could “opt out” of counseling. Ms. Catastini clarified that the client could opt out. In response to another question from Member Tonasket, Mr. Peppert discussed the reasons why partner notification records are currently kept for 90 days. Chair Locke asked if the 90-day rule was in statute. Mr. Peppert said that it is not.

Member Osaki wondered if there had been challenges on the issues and recommendations during the rulemaking process. Mr. Peppert said there were three outstanding issues—who will be primarily responsible for partner notification (partner counseling and referral services), whether to require that all patients be informed about the availability of anonymous testing, and whether consent to HIV testing must be in writing. Mr. McLaughlin mentioned that some have questioned whether public health partner notification efforts would be too invasive.

Member Manning asked about the gathering of HIV records. Mr. Peppert said some members of the public are concerned that confidentiality could be compromised. Member Manning asked if HIV notification differed from other types of notifications. Mr. Peppert said that there is no requirement of destruction for other types of notification records for people with exposure to other diseases such as syphilis. Bill White, Department of Health asked about hepatitis C and other blood-borne pathogens and wondered if the issue was discussed during the rule making process. Mr. Peppert said issues related to hepatitis C needed to be addressed in statute.

Charles Chu, SBOH Member asked what would happen if a client left the state and wondered if they could be tracked. Mr. Peppert said there are examples of people being tracked beyond state lines. Member Osaki requested more information about federal guidance. Mr. Peppert said there is quite a bit of guidance and the CDC is providing more guidance regularly. Mr. McLaughlin mentioned that position papers for the AIDSNET and Lifelong AIDS Alliance were considered during this process.

Member Tonasket wondered about HIV infections that do not fit in the category of promiscuity or needle sharing and if they are a part of the notification process. Mr. Peppert noted that HIV infections due to blood transfusions, etc. are very rare and that there are other notification standards by other agencies for these individuals. Chair Locke noted that the Board might hold a hearing on the rule revisions at the April meeting.

Member Chu asked how a partner who lives outside the United States might be notified. Mr. Peppert said there are systems in place for those infected outside of the United States.

Chair Locke thanked the presenters and those involved in the work.

PROPOSED SOCIAL MARKETING CAMPAIGN AND REVIEW OF DRAFT MEMORANDUM OF UNDERSTANDING WITH UPN-11, KSTW

Member Chu provided a brief history of his and the Board’s involvement in issues related to obesity, physical activity, and nutrition. The Board’s work has been recognized by many including Channel 11 KSTW, which approached the Board about forming a partnership to conduct a social marketing campaign to reduce childhood obesity. Tara Wolff, SBOH Policy Analyst, discussed the proposed framework for the partnership and the creation of a draft memorandum of understanding (MOU). (For details of the proposed arrangement, see the draft MOU behind Tab 11). Ms. Wolff explained that the MOU had been reviewed by many people including the Department of Health and the Assistant Attorney General assigned to the Board, and that everyone seemed to feel that it provided a strong basis

for an understanding between Channel 11 KSTW and the Board. She also explained that the technical advisory committee would be made up of experts in three areas: public health (specifically nutrition and physical activity), audience (especially children), and social marketing.

Member Manning requested that staff explore with Channel 11 KSTW its willingness to partner with schools that may be able to air the messages on school TVs and other media, and request that they use children to deliver the messages they develop.

Member Higman asked if the target audience is parents, young children, young teens, or older children. Member Chu replied that the target audiences may vary and different messages could be developed for different audiences. Mr. McLaughlin noted that an advisory group would help guide these types of decisions.

Chair Locke stated that he is very comfortable with the draft MOU and is excited about the opportunity to participate in a public education campaign.

Motion: The Board amends the 2003-05 workplan to add exploring a possible public-private partnership with Channel 11 KSTW that would result in a social marketing campaign aimed at promoting good nutrition and increased physical activity for children.

Motion/Second: Chu/Tonasket

Approved unanimously

Member Tonasket asked about the intent of the motion and why the Board is not adopting the MOU at this time. Mr. McLaughlin noted that Channel 11 KSTW has not yet responded to the draft. The executive director is authorized to sign contracts (including MOUs); however, the Board has the option to request that the contract be reviewed and approved by the Board prior to being signed by the executive director. Member Osaki stated that he has a concern that the motion specifies Channel 11 KSTW and it should be more broad. Member Tonasket noted that the MOU does not stop the Board from collaborating with other entities. Mr. McLaughlin stated that it might be beneficial to keep the work plan focused on specific activities that have been approved by the Board.

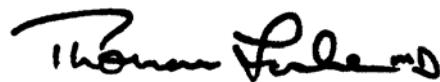
PUBLIC TESTIMONY

Mr. McLaughlin submitted a written statement from the Washington Health and Fitness Club Association and two letters from parents questioning the need for lifeguards at club pools. The Board requested that staff confirm the implementation date of the recently adopted changes to the water recreation rule.

ADJOURNMENT

Chair Locke adjourned the meeting at 3:10 p.m.

WASHINGTON STATE BOARD OF HEALTH



Thomas Locke M.D., Chair